

REMARKS

As set forth above, claims 12 and 18 have been cancelled and claims 1 and 19 have been amended in order to overcome the Office's objections and rejections. Claims 8-11, 13-17 and 19 are pending. In the final Office Action mailed August 19, 2004, the Office addressed the claims as follows: Claim 19 is objected to because of a spelling error; claim 18 is rejection under 35 USC 112, 2nd para. as being indefinite; claims 8-19 are rejected pursuant to 35 USC 103(a) as being unpatentable over Rogers et al. (Patent No. 6,139,694) in view of Alix et al. (6,117,403) or Ruan et al. (6,565,716); claims 8 and 11-19 are rejected under the judicially created doctrine of double patenting in view of claims 2, 3 and 5-7 of US Patent No. 6,309,610. In view of the amendments and remarks presented herein, the undersigned respectfully traverses this rejection as set forth below.

Objection to Spelling in Claim 19

Claim 19 has been amended to overcome this objection.

Rejection of claim 18 under 35 USC 112, 2nd Paragraph

Claim 18 has been cancelled.

Rejection of Claims 8-17 and 19 Under 35 USC 103(a)

Independent claim 8 has been amended as follows:

8. (Currently Amended) An apparatus for converting nitric oxide in exhaust gas into nitrogen dioxide, comprising:
a plasma reactor having a plurality of dielectrically-coated electrodes defining at least one reaction zone configured to receive the gas, said dielectrically-coated electrodes each having an electrode plate completely

enclosed within a fluoropolymeric shell, the fluoropolymeric shell having a dielectric strength of 60 kV/mm; and
a voltage supply connected to each of the dielectrically-coated electrodes to provide a voltage across the dielectrically-coated electrodes.

The references cited do not teach or suggest the combination of limitations recited in independent claim 8. Accordingly, the undersigned respectfully submits that claim 8 and the remaining claims that are dependent thereon, are allowable over the cited art.

Rejection of claims 8 and 11-19 under Double Patenting in View of 6,309,610

In view of the amendment to independent claim 8, the undersigned submits that this rejection is moot as none of the claims of US Patent No. 6,309,610 recite the added limitation. As the office knows, only the claims and not the specification of the '610 patent may be used in a double patenting rejection. *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967); *See* MPEP 804(II)(B)(1).

CONCLUSION

The undersigned believes that claims 8-11, 13-17 and 19 are allowable over the cited prior art and respectfully requests a notice of allowance to this effect. Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

Respectfully submitted,

Date: 12/13/04
KILPATRICK STOCKTON LLP
Suite 900
607 14th Street, N.W.
Washington, DC 20005
(202) 508-5889

By:

Dawn-Marie Bey
Dawn-Marie Bey (Reg. No. 44,442)